

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**938 CIVIL APPLICATION NO. 7618 OF 2018
IN FA/801/2018**

NARMADA KANIF PAUL

VERSUS

M.S.R.T.C MUMBAI THROUGH DIV. MANAGER, DIVISION
OFFICE, OSMANABAD

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Advocate for Applicant : Mr. Shinde Shrikishan S.

Advocate for Respondent : Mr. A.B. Dhongade

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CORAM : K.K. SONAWANE, J.

DATE : 22nd JUNE, 2018

PER COURT :

1. Heard learned counsel for the applicant and learned counsel for respondent-M.S.R.T.C. Perused the application.

2. This is an application filed for seeking permission to withdraw the deposited amount in this Court on behalf of respondent-M.S.R.T.C. The learned counsel for the respondent-M.S.R.T.C. raised objection that the Tribunal awarded exaggerated amount of compensation to the claimant without appreciating the

facts and circumstances of the case in its proper perspective. The respondent-M.S.R.T.C. opposed for withdrawal of the amount by the applicant-claimant.

4. After considering the arguments advanced on behalf of both the sides, it is evident that there was death of husband of applicant-claimant in an vehicular accident. She is entitled for the compensation towards the loss caused to her due to sudden demise of her husband. Therefore, it is unjust and improper to preclude the applicant to get the amount of compensation deposited in this Court. However, in view of objection raised on behalf of respondent-M.S.R.T.C., it would just and proper to allow the applicant for withdrawal of lum sum amount of Rs.6 [six] Lacs from the entire decretal amount deposited in this Court. It would not cause any injustice to the respondent-M.S.R.T.C., but it would sub-serve the purpose in the interest of justice. In view of this, application stands partly allowed.

5. The total sum of Rs.6 [six] Lakhs is permitted to be withdrawn by the applicant from the decretal amount deposited in this Court subject to condition that the applicant shall furnish undertaking to refund the amount so withdrawn in case of any contingency arises in appeal. It is stipulated that out of Rs. 6 [six] Lakhs allowed to be withdrawn, the sum of Rs.3 [three] Lakhs be invested in F.D.R. in the

name of applicant for a period of five years and rest of the balance decretal amount deposited in this Court be invested in any nationalized bank for a period of two years in F.D.R. or till decision of the appeal whichever is earlier with liberty to renew the F.D.R. if required.

6. It has been brought to the notice of this Court that the respondent - M.S.R.T.C. has deposited the decretal amount in the proceeding bearing M.A.C.T. No. 53 of 2014 before the learned Tribunal, Bhoom, District Osmanabad. In such circumstances, the Registrar of M.A.C.T., Bhoom to do needful for disbursement of the amount in favour of applicant and forward the report to that effect in this Court. Accordingly, application stands disposed of in above terms.

(**K.K. SONAWANE, J.**)